

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Ross Thomas Kaufman, et al. Art Unit 3761
Serial No. 10/804,921
Filed March 19, 2004
Confirmation No. 8211
For ABSORBENT ARTICLES HAVING AN ALIPHATIC-AROMATIC COPOLYESTER
FILM

October 16, 2008

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
SIR:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

This letter is in response to the Office action dated October 2, 2008 in which the Office required an election of species selected from (1) an article having a laminated outer cover comprising a copolyester film, (2) an article having a laminated outer cover comprising a copolyester film and further comprising a spunlace nonwoven, and (3) an article having a laminated outer cover comprising a copolyester film and further comprising a polylactic-acid-based substrate. Applicants elect for examination species (1), an article comprising a laminated outer cover comprising a copolyester film. Claims 1-15 and 17-57 read on the elected species.

The Office has further required applicants to elect a specific aromatic dicarboxylic acid, aliphatic dicarboxylic

acid, polyfunctional branching agent, dihydric alcohol, and filler particle. Applicants elect terephthalic acid as the aromatic dicarboxylic acid. Claims 1-15 and 17-57 read on the elected species. Applicants elect adipic acid as the aliphatic dicarboxylic acid. Claims 1-15 and 17-57 read on the elected species. Applicants elect 1,2,4-benzenetricarboxylic acid (trimellitic acid) as the polyfunctional branching agent. Claims 1-15 and 17-57 read on the elected species. Applicants elect 1,4-butanediol as the dihydric alcohol. Claims 1-15 and 17-57 read on the elected species. Applicants elect calcium carbonate as the filler particles. Claims 1-15 and 17-57 read on the elected species.

Notwithstanding the foregoing species election, it is noted that 37 CFR 1.141 specifically contemplates examination of more than one species per application:

(a) Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

Applicants reserve the right to file divisional applications directed to any and all non-elected subject matter.

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(K-C 20,357A)
PATENT

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 01-2384.

Respectfully Submitted,

/Christopher M. Goff/

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By EFS